

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JAMES NEUMAN,

Plaintiff,

v.

**UNITED STATES GOVERNMENT,
et al.,**

Defendants.

No. 08-0514-WDS

ORDER

HERNDON, Chief Judge:

Now before the Court is Neuman's February 6, 2009 motion for hearing on reassignment of case Chief Judge David R Herndon (Doc. 18). Neuman moves the undersigned Chief Judge to reconsider its February 3, 2009 Order reassigning this matter from District Judge Michael J. Reagan to Senior District Judge William D. Stiehl for all further proceedings (Doc. 15). Specifically, Neuman's motion states:

"This court does NOT have the power to reassign cases to hand picked Judges, because you know that Judge William D,[sic] Steihl [sic] will dismiss this as soon as he possible [sic] can. This court does NOT have the power to reassign cases to hand picked Judges that will make sure that the employees at the Southern District Court can continue to slander, defamation [sic], harass, intimidate, retaliate against the American public."

Neuman's motion also contains wild and unfounded accusations of conspiracy and misconduct against the undersigned and the other district judges in this Judicial

District. Based on the following, the Court **DENIES** Neuman's motion.

Though the Order did not state with particularity, the Court properly reassigned the case pursuant to **28 U.S.C. § 253(c)**. **28 U.S.C. § 253(c)** provides:

The chief judge, under rules of the court, may designate any judge or judges of the court to try any case and, when the circumstances so warrant, reassign a case to another judge or judges.

Here, District Judge Reagan advised the undersigned that he was a potential witness in this case. Based on that representation, the undersigned determined that the case needed to be reassigned to another district judge for disposition as it would not be appropriate for Judge Reagan to continue to preside over the case. **See Fed.R.Evid. 605** ("The judge presiding at the trial may not testify in that trial as a witness...."). Further, the undersigned determined that District Judges J. Phil Gilbert and G. Patrick Murphy were not proper judges as they work in the Benton courthouse and Neuman sued the Deputy Clerks of the Court that work in Benton. An appearance of impropriety was sought to be avoided. The undersigned also decided that it would not be appropriate for him to preside over the case because the undersigned has supervisory duties generally within this Judicial District and again was seeking to avoid an appearance of impropriety. That left remaining only Senior District Judge Stiehl. The undersigned's decision was one based on fairness to both parties, particularly the plaintiff. Clearly, the undersigned was within his power and authority to reassign this matter to Judge Stiehl.

Accordingly, the Court **DENIES** Neuman's February 6, 2009 motion for

hearing on reassignment of case Chief Judge Herndon (Doc. 18). As to Neuman's rank accusations of misconduct, the undersigned finds them to be completely without merit and not worthy of comment as well as the various "DEMANDS" of the plaintiff.

IT IS SO ORDERED.

Signed this 9th day of February, 2009.

/s/ David R. Herndon

**Chief Judge
United States District Court**